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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,886	09/19/2001	Fabrizio Panizzolo	163-345	9848

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EXAMINER

ILAN, RUTH

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/955,886

Applicant(s)

PANIZZOLO, FABRIZIO

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on November 17, 2003 has been entered.

#### ***Drawings***

2. The proposed drawing corrections, filed on February 5, 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

#### ***Specification***

3. The disclosure is objected to because of the following informalities: As amended on 1/28/03, the paragraph that begins at line 7: In line 10 of this paragraph, and also on page 6, line 4, the bevel 26, which is clearly shown in Figure 3 as being on top of the arm is described as belonging to at "least one bottom area." This discrepancy is inaccurate and confusing, and it is not known what is intended by "at least one bottom area".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3, and 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, it is unclear why in line 9, the bevel 26 is described as belonging to "at least one bottom area". The use of the phrase "bottom area" is misleading because the first bevel, 26 is clearly shown in Figure 3 as being in a top area of the arm, near the differential input. As such it is unclear what is intended by the limitation "bottom".

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1, and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnleitner et al. (DE 19908958 A1.) in view of Wildey (US 4,064,956.) Sonnleitner et al. teaches an engine half trolley (Figures 1 and 2) that includes a casing (8) from which there comes out at least one wheel hub (15) for a wheel (7). Also taught is an input shaft (5) connected to a differential (3) of the vehicle. In between the input shaft and the wheel hub are provided two bevel gear pairs (10,12 and 13,14) which are as

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claimed sets of gear pairs carried on first and second ends of a continuous shaft (11.)

Sonnleitner et al. shows the casing (8) in schematic representation, and as such fails to disclose the claimed casing including the bevels in the claimed location. Wildey teaches a casing (38) for an engine half trolley including a bevel (at 110 see Figure 3) in the bottom area of the arm. The wheel hub is set on an extension (150) of the arm.

Regarding claim 1, as best understood, a side area of the arm, at a location near the input shaft includes a bevel (A, as noted by the Examiner in previously submitted Figure 3 of Wildey.) Regarding claims 5-7, the longitudinal axis of the arm coincides with the longitudinal axis of rotation of the transmission shaft, and the angle of rotation is approximately  $15^\circ$ , as previously noted in the first rejection. The angle of rotation is approximately  $15^\circ$  for the rotating shaft of Sonnleitner et al. as well. It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the half-trolley of Sonnleitner et al. with the casing of Wildey, since Sonnleitner et al. provides only a schematic representation, in order to provide a casing that protects the moving parts from dirt during the travel of the vehicle. Regarding the bevels, the casing of Wildey uses such bevels in the claimed locations to most efficiently provide a housing for a ring gear in those locations. It would have been obvious to one having ordinary skill in the art at the time of the invention to include such bevels as taught by Wildey in the schematically represented casing of Sonnleitner et al. in order to provide for an efficiently shaped housing that protects the moving parts from road dirt. Regarding claim 6, Sonnleitner et al. does not specifically show bearings. The Examiner takes Official Notice that that rotating shafts generally include support bearings to maintain

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alignment of the shaft, and one of ordinary skill in the art at the time of the invention would understand that such bearings should be included with the rotating shaft of Sonnleitner et al. in view of Wildey. Regarding claim 9, Wildey does not specifically disclose a casting, however it is old and well known in the suspension art to cast one-piece constructions as a simple manufacturing method for one-piece constructions. It would have been obvious to one having ordinary skill in the art at the time of the invention to cast the one-piece housing (38) of Wildey as an engineering design expedient.

### ***Response to Arguments***

8. Applicant's arguments filed November 17, 2003 have been fully considered but they are not persuasive. First of all, with regard to Sonnleitner, the Examiner agrees that Sonnleitner does not show the bevels, the Examiner has not relied on Sonnleitner for the teaching of a beveled casing, the Examiner has merely pointed out that Sonnleitner has not provided sufficient views of the casing to determine that such bevels exist, or even that the shafts and gears are covered. Second of all, with regard to Wildey, and the arguments expressed by the Applicant on the bottom of page 6 that Wildey does not teach a continuous shaft, once again, the Examiner has not relied on Wildey for the continuous shaft. It has been held that one cannot show non-obviousness by attaching references individually where as here the rejections are based on combinations of references. *In re Keller*, 208 USPQ 871 (CCPA 1981.)

With regard to Wildey and the disclosure of the bevel, the Examiner respectfully disagrees with Applicant's arguments beginning on page 5. The Applicant states that

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Wildëy does not show a bevel because the bevel 110 is described by Wildey to be a "circular housing 110 received in an aperture formed adjacent the end of the walking beam 38, and attached to the walking beam by a circular pattern of bolts 112", which Applicant asserts is not a bevel because it is merely a sloped end of casing and not a bevel on the bottom of casing. Please note that the elements referenced as bevels in the instant application are sloped sections of the casing, and Wildey teaches sloped sections of the casing. The PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art., taking into account whatever enlightenment by way of definitions or otherwise may be afforded by the written description contained in Applicant's specification. The Applicant's specification merely names the sloped surfaces shown in Figure 3 "bevels". Wildey shows that it is well known to provide sloped surfaces on casings. The Examiner also notes with interest that Applicant describes the single view of Wildey's bevel as vague, but the level of detail of Wildey, including the number of views of the casing, is the same as that of the instant application. If the Applicant intended "bevel" to mean something beyond "a sloped surface" in some particular dimension, there is no support in the instant specification for such meaning.

Regarding claims 5-10, there is nowhere in these claims any language that indicates that  $\beta$  is an angle that is measured with respect to the vertical direction. As such, the broadest reasonable interpretation of these limitations is that of the Examiner.

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That is, the 15° slope of the arms with respect to a horizontal arrow in the forward direction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956.

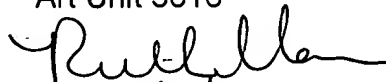
The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RI  
12/1/03

Ruth Ilan  
Examiner  
Art Unit 3616

  
12/1/03